

REMARKS

Reconsideration of this application, in view of the foregoing amendment and the following remarks, is respectfully requested.

Claims 1-75 were originally presented for consideration in this application. Claim 46 has been canceled. Accordingly, claims 1-45 and 47-75 are currently pending in this application.

The examiner's indications that claims 60-62 and 70-75 are allowed, that claims 3, 4, 10 and 63-68 would be allowable if rewritten to overcome a 35 USC §112 rejection thereof, and that claims 24-30, 32-38, 42, 43, 46, 49, 54 and 55 would be allowable if rewritten in independent form, are noted with appreciation.

The following rejections and objections were set forth in the Office Action:

1. The specification is objected to for use of the word "hucks" on page 7, line 21, and for use of the plural word "voids" on page 9, line 1;
2. Claims 1-10, 14, 20, 21 and 63-68 stand rejected as indefinite under 35 USC §112; and
3. Claims 1, 2, 5-9, 14-23, 31, 40, 41, 44, 45, 47, 48, 50-53 and 59 stand rejected under 35 USC §102(e) as being anticipated by U.S. Published Patent Application 2001/0020775 A1 to Pierce et al.

By the foregoing amendment, the following actions have been taken in response to these rejections and objections:

1. The specification has been amended to remove the word "hucks";

2. Claims 1, 10, 21 and 63 have been amended to resolve the alleged indefiniteness therein; and

3. Claims 15 and 45 have been revised to more clearly set forth their patentable distinctions over the applied reference subsequently discussed herein and to overcome the various 35 USC §102(e) rejections summarized above, such rejections being respectfully traversed for reasons set forth below.

Regarding the use of the word “hucks” on page 7, line 21 of the specification, it is respectfully submitted that this is a term widely understood by those skilled in the art. A “huck” is a type of fastener sold by Huck Industrial Fastener Division of Alcoa Corporation, and is also known as a “huckbolt.” However, to resolve this issue, the specification has been amended above to more precisely indicate this fastener.

Regarding the use of the plural word “voids” on page 9, line 1 of the specification, it is respectfully submitted that this use is correct and the singular word “void” would be improperly substituted for the plural word. Note that there are two of the openings 28 (one in each side 22 of the arm), and that each opening has a void 30. Thus, the clamp portion 36 is received in two “voids” 30 when the sleeve 32 is inserted into the openings 28.

Regarding the indefiniteness rejection of claim 1, the claim has been amended above to clarify what is meant by the clamped position of the sleeve.

Regarding the indefiniteness rejection of claims 10 and 21, these claims have been amended above to clarify what is meant by the clamped portion extending outwardly from the void in each side wall.

Regarding the indefiniteness rejection of claim 20, it is respectfully submitted that there is antecedent basis for “the clamp portion” recited in the claim. This element is introduced in claim 17, from which claim 20 indirectly depends.

Regarding the indefiniteness rejections of claims 63-68, claim 63 has been amended above to clarify what is meant by “the retaining step” and “the sleeve members.”

Regarding the anticipation rejections of claims 1, 2, 5-9, 14-23, 31, 40, 41, 44, 45, 47, 48, 50-53 and 59, these rejections are respectfully traversed. Each of independent claims 1, 15, 23 and 31 includes the limitation that a sleeve is clamped to an axle without press-fitting. The portion of the Pierce reference cited by the examiner in making these rejections actually indicates that Pierce teaches press-fitting an axle 28 into a recess 46 in a mounting plate 36.

Specifically, the portion of the Pierce reference cited by the examiner includes the following:

However, the present invention goes well beyond a simple force, press or interference fit, each of which may in some cases also cause deformation of an axle, such that the application of an appropriate amount of force to axle mounting plate 43 bearing on axle 28, eliminates any clearance between the outer surface of the upper portion of the axle and the bottom surface of the axle mounting plate. (emphasis added)

Apparently, the examiner has taken the words, “beyond a simple force, press or interference fit,” to mean that a press fit is not used in the Pierce invention. However, this is not what is meant by these words. Instead, these words mean that the Pierce invention uses more than a press fit, specifically, actual deformation of the axle which eliminates clearance between the axle and the mounting plate.

This correct interpretation of this passage from the Pierce reference is further evidenced by statements previously made in the reference, as follows:

Axle 28 is extruded into recess 46 by the application of an appropriate amount of force using any suitable means such as a hydraulic press (not shown).

The appropriate load is applied to axle mounting plate rear portion 36 not only to extrude axle 28 into recess 46, but also to intentionally deform the axle in the axle mount area from its generally round cross-sectional shape to a generally oval or elliptical shape, as best shown in FIG. 12.

More specifically, merely force fitting axle 28 into beam recess 46 only would serve to create generally uninterrupted contact and possibly areas of clearance within the recess between the outer surface of the upper portion of the axle and the bottom surface of axle mounting plate 43 ...

Thus, Pierce uses axle deformation in addition to press-fitting to eliminate clearance between the axle and the mounting plate. In contrast, independent claims 1, 15, 23 and 31 in the present application positively state that the sleeve is clamped on the axle without press-fitting. Therefore, it may be seen that Pierce clearly does not anticipate any of these claims, and the examiner is respectfully requested to withdraw the rejections of claims 1, 15, 23 and 31, and the claims dependent therefrom.

Regarding independent claim 45, this claim has been amended above to incorporate the limitations of claim 46 (which has been canceled). Claim 46 was indicated as containing allowable subject matter in the Office Action. Therefore, claim 45, and the claims dependent therefrom, are now in allowable form and the examiner is respectfully requested to withdraw the rejections of these claims.

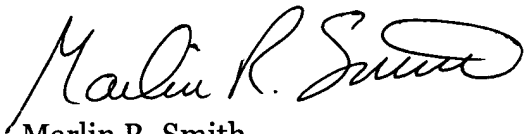
Claims 11-13, 39, 56-58 and 69 were previously withdrawn from consideration as being drawn to a nonelected species. Since the independent claim from which each of these withdrawn claims depends has been shown above to be allowable, the examiner is respectfully requested to consider these previously withdrawn claims in the present application.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 1-45 and 47-75 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on April 6, 2004
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